

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES ENVIRONMENTAL
SERVICES, LLC,

Plaintiff,

vs.

EMERGENCY RESPONSE AND
TRAINING SOLUTIONS, INC., et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§

Case No. 4:18-cv-1031

**R+L CARRIERS, INC.’S MOTION FOR EXTENSION OF
PAGE LIMIT FOR ITS REPLY IN SUPPORT OF MOTION
TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

Defendant R+L Carriers, Inc. (“R+L”) requests a five-page extension of the Court’s ten-page limit applicable to reply briefs in order to adequately address the points raised in Plaintiff’s Response to R+L’s Motion to Dismiss for Lack of Personal Jurisdiction and would show the Court as follows:

On May 31, 2018, R+L filed its Motion to Dismiss for Lack of Personal Jurisdiction and Memorandum in Support (“Motion to Dismiss”). On June 20, 2018, Plaintiff filed lengthy Response to R+L’s Motion to Dismiss with numerous exhibits (“Plaintiff’s Response”). Plaintiff’s Response raised multiple incorrect allegations in an attempt to manufacture personal jurisdiction over R+L where none exists. For example, Plaintiff incorrectly relies upon the existence of an agency relationship between R+L and Defendant Environmental Response and Training Solutions, Inc. (“ERTS”) and that R+L hired a Texas citizen, made payments in Texas, operates businesses in Texas, owns property in Texas, and filed an unrelated lawsuit in Texas in 2009 as grounds for personal jurisdiction. Plaintiff also raised the issue of pendent jurisdiction, which R+L did not address in its Motion. In order to adequately dispel these and Plaintiff’s other arguments seeking

to improperly impose personal jurisdiction, R+L requests a five-page extension of the Court's limitation of reply briefs.

For the reasons set forth above, R+L respectfully requests that the Court grant a five-page extension of the ten-page reply brief limit, permitting R+L to file a fifteen-page reply brief in order to adequately address the points raised in Plaintiff's Response to R+L's Motion to Dismiss.

Dated: June 28, 2018

Respectfully submitted,
PARSONS MCENTIRE MCCLEARY PLLC

/s/ Roger L. McCleary

Roger L. McCleary
Texas Bar No. 13393700
Federal ID No.: 205
rmccleary@pmmlaw.com
Angela R. Webster
Texas Bar No. 24066009
Federal ID No.: 1046672
awebster@pmmlaw.com
One Riverway, Suite 1800
Houston, Texas 77056
(713) 960-7315 (Telephone)
(713) 960-7347 (Facsimile)

Anthony C. White (admitted *pro hac vice*)
Ohio Supreme Court: 0062146
Anthony.white@thompsonhine.com
Stephanie Chmiel (admitted *pro hac vice*)
Ohio Supreme Court: 0087555
Stephanie.chmiel@thompsonhine.com
David Carey (admitted *pro hac vice*)
Ohio Supreme Court: 0088787
David.carey@thompsonhine.com
THOMPSON HINE LLP
41 South High Street, Suite 1700
Columbus, Ohio 43215-6101
(614) 469-3200 (Telephone)
(614) 469-3361 (Facsimile)

Attorneys for Defendant R+L Carriers, Inc.

CERTIFICATE OF CONFERENCE

I hereby certify that I spoke with counsel for Plaintiff, United States Environmental Services, LLC, on Monday, June 25, 2018 regarding the relief requested in this Motion, and Plaintiff is opposed to the relief requested.

/s/ Angela R. Webster
Attorney for Defendant
R+L Carriers, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2018, the foregoing document was filed electronically with the Clerk of the Court and served on all counsel of record via the Court's CM/ECF E-File and Serve system, as follows:

Kyle R. Watson
Rusty D. Sewell
WINSTEAD PC
24 Waterway, Suite 500
The Woodlands, TX 7738

Email: krwatson@winstead.com
Email: rdsewell@winstead.com

Attorneys for Plaintiff

Chelsea Mikula Tomko
John Francis McCaffrey
TUCKER ELLIS LLP
950 Main Avenue Suite 1100
Cleveland , OH 44113

Email: Chelsea.Mikula@tuckerellis.Com
Email: John.Mccaffrey@tuckerellis.Com

Stephanie Ann Rzepka
TUCKER ELLIS LLP
405 Main Street
Ste 1000
Houston , TX 77002

Email: Stephanie.Rzepka@tuckerellis.Com

*Attorneys for Defendant
Emergency Response and
Training Solutions, Inc.*

/s/ Angela R. Webster
Attorney for Defendant
R+L Carriers, Inc.